

Faria, Sr. has not been served. Copies of all process and pleadings served on these Defendants are attached as **Exhibit A**.

4. At the time of the commencement of this action and the filing of this Notice of Removal, the Plaintiff and the Defendants herein maintained the following citizenship:

- a. Pursuant to the Complaint, Plaintiff is a citizen of Georgia.
- b. Pursuant to the Complaint, co-Defendant Gabriel Alexander Faria, Sr. is a citizen of North Carolina.
- c. Defendant Celia Denise Washington is a citizen of North Carolina.
- d. Paschall Truck Lines, Inc. is a Kentucky corporation, with its principal place of business at PO Box 1080, 3443 Hwy 641 South, Murray, Kentucky 42071.

5. In light of the foregoing, diversity of citizenship exists between the Plaintiff and Defendants at the time of removal, as required under 28 U.S.C. § 1332.

6. In the complaint, Plaintiff's prayer for relief seeks an indeterminate amount of actual, compensatory and punitive damages as a result of the subject (Complaint, ¶ 18, 26, 27, 32, 33, 44, 48, and closing 'wherefore' paragraph.).

7. Accordingly, a jury could award relief in excess of \$75,000.00.

8. The Court of Common Pleas for Cherokee County is within the United States District Court for the District of South Carolina, Spartanburg Division. Thus, by filing the Notice of Removal in the district and division within which such action is pending, these Defendants has satisfied the requirements of 28 U.S.C. § 1446(a).

9. This Notice of Removal is filed pursuant to 28 U.S.C. § 1446(b)(3) within thirty (30) days of these Defendants' receipt of the initial pleading setting forth the claim for relief upon which this action is based.

10. A copy of this Notice of Removal has been filed with the Clerk of Court for Cherokee County Court of Common Pleas.

11. These Defendants shall pay all costs and disbursements incurred by reason of the removal proceedings should it be determined that the said action was not removable or was improperly removed.

WHEREFORE, your Petitioners pray that this Court accept this Notice of Removal, which is being filed and that this Honorable Court take jurisdiction of the above entitled cause and all further proceedings in said cause in the Court of Common Pleas, County of Cherokee, State of South Carolina be stayed.

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